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Mr. PAUL PERDWARD.

Mel & Lerah Parker
P.O.Box 609
Libby, MT 59923

Jan 20, 2001

Mr. Doug Skie, Director
Emergency Response Program
Ecosystems Protection and Remediation

Mrs Doug Skies:

Sir:

We have been Reviewing the "Phase-2 sampling and quality Assurance Project Plan Revision O for Libby, Montana, for 2000. Within that document you have been identified as the Director of Emergency Response Program, Ecosystems Protection and Remediation.

I recollected a memorandum which was sent to you and received on Nov. 16, 1992 from Mr. John Rasnic on the subject matter of "Applicability of Asbestos NESHP Roadway Standards." A copy of this memorandum is enclosed.

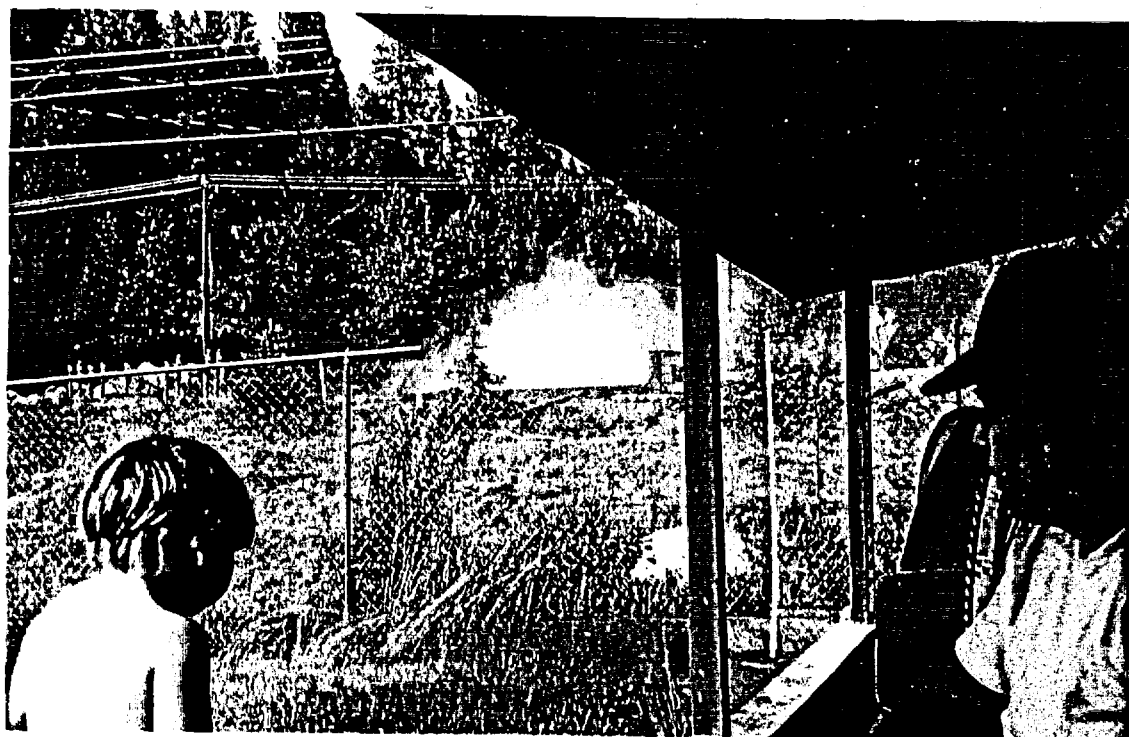
Please take a moment of your valuable time to read the definition of Asbestos tailing and Asbestos containing waste material. Mr. Rasnic further states that the material from W.R.Grace vermiculite mine would have to fit the definition of asbestos tailings or asbestos -containing waste material. But it did not.

My point Mr. Skie, is that the exclusion of the tailing material from the roadway standards simply because it is not a commercial asbestos product does not exempt it from being a toxic hazardous material. Surely you could recognize the ridiculous reasoning that was used to arrive at this irresponsible conclusion.

This road was finally built using tailings from the mine and it has provided access to logging trucks, wood cutters, hunters, wildlife viewing, back road access to Libby dam, general public, etc. for many years.

Also enclosed is a photograph taken of a logging truck entering Hwy-#37 from the mine site. This is the road built on mine tailings and the dust you see is a constant on the road when travelled. Our property sets below the junction of these two roads and therefore the dust a accumulation drifts and settles on us.

At a recent CAG meeting we were informed that the recent screening update indicated that out of 184 people diagnosed with asbestos related disease, 129 of these are non-occupational.



At this point in time Mr. Skie I truly question your judgement as a director for the EPA. We are a fragile community and "Logic" is not a viable option in the search for answers to our problem. Your failure to further address the memorandum from Mr. Rasnic becomes "unacceptable" to us and we question your credibility as a Director in the Phase #2 operation in Libby, Montana .

Sincerely,

A handwritten signature in cursive script, appearing to read "Mel & Lerah Parker". The signature is written in dark ink and includes a large, stylized loop for the letter 'P'.

Mel & Lerah Parker

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 6 1992

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NOV 16 1992

Air Programs Branch

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Determination Statement Concerning Applicability of
Asbestos NESHA Roadway Standard

FROM: John B. Rasnic, Director *JBR*
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

TO: Doug Skie, Chief
Air Programs Branch
Region VIII

This memorandum is in response to your October 22, 1992 memorandum requesting our written determination on the applicability of the Asbestos NESHA Roadway Standard (40 CFR 51.143) to a permanent road covered with mill tailings located on W. R. Grace Co.'s vermiculite mine property in Libby, Montana. These mill tailings have asbestos contamination from the mine, however, the asbestos in this case has no commercial value.

The Asbestos NESHA Standard for Roadways controls the use of asbestos tailings or asbestos-containing waste material in the construction of a roadway. Therefore, the material from W. R. Grace Co.'s vermiculite mine would have to fit the definition of asbestos tailings or asbestos-containing waste material. Asbestos tailings is defined as "...any solid waste that contains asbestos and is a product of asbestos mining or milling operations." Asbestos-containing waste materials is defined as "...mill tailings or any waste that contains commercial asbestos and is generated by a source subject to the provision of this subpart...." Commercial asbestos is defined as "...any material containing asbestos that is extracted from ore and has value because of its asbestos content."

Since the tailings are a product of vermiculite mining, not asbestos mining, the tailings do not meet the definition of asbestos tailings. Additionally, the tailings do not contain commercial asbestos since the asbestos in this case is a contaminant and does not add value to the vermiculite. Since the tailings are not considered to be commercial asbestos, they can not be considered to be asbestos-containing waste materials. Therefore, the tailings from the vermiculite mining operation are not subject to the Standard for Roadways under the Asbestos NESHA.

This determination has been coordinated with EPA's Office of Enforcement and the Emission Standards Division of the Office of Air Quality Planning and Standards. If you have any questions, please contact Tom Ripp of my staff at (703) 308-8727.

cc: Sims Roy, ESD (MD-13)
Charlie Garlow, OE (LE-134A)
Tom Ripp, SSCD
Chris Oh, SSCD
Regional Asbestos NESHAAP Coordinators